

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 450 Golden Gate Avenue
San Francisco, CA 94102
4 Telephone: (415) 436-7700
5 Counsel for Defendant YOUNG
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	No. CR-05-0054 MAG
)	
11 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR INTERPRETATION OF
12 v.)	JUDGMENT AND COMMITMENT
)	ORDER
13 IVAN YOUNG,)	
)	
14 Defendant.)	Court: The Honorable James Larson
15 _____)	

16
17 The parties hereby stipulate and respectfully requests the Court's order as to the parties'
18 understanding as to this Court's Judgment and Commitment Order, which the parties believe is the
19 Court's intention with respect to the order. If the Court has a different interpretation of the Judgment
20 and Commitment, the parties respectfully request a further hearing on the matter:
21

22 **BACKGROUND**

- 23 1. On Friday, September 1, 2006, the parties met for sentencing. At that time, the Court
24 adopted the parties joint recommendation on the plea agreement, and sentenced Mr.
25 Young to 24 months of probation, with conditions set by the Court as reflected in the
26 attached Judgment and Commitment (see Exhibit A, attached);

2. At that time, this Court directed Mr. Young to complete a special condition of testing and treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as the defendant is released from treatment by the probation officer.
3. On Friday, September 15, 2006, U.S. Probation Officer John Storm called AFPD Falk and informed her that based on the Court's order, he believed it was mandatory that Mr. Young attend residential drug treatment and/or a full outpatient drug treatment program, and that according to federal law, his office could be administratively liable if he did not place Mr. Young in a treatment program;
4. At that time, AFPD Falk explained to Mr. Storm that her interpretation of that condition was that this Court left it up to the judgment of the Probation Officer whether or not drug treatment would be necessary at any stage of Mr. Young's probation term. Ms. Falk explained to USPO Storm that Mr. Young had already successfully completed a residential program with Sonoma County between July 15, 2005 through August 17, 2005, and a nine month outpatient program following this date. After successful completion of the outpatient program, he was discharged. At this point, Mr. Young continues to attend 12-step meetings, continued to drug test through May, 2006, and Ms. Falk explained that she believed that the Court wanted the Probation Department to continue to drug test Mr. Young and monitor his drug-free lifestyle, but that this Court did not mandate an additional drug treatment program at this time since Mr. Young is working, complying with the terms of his state probation, has already completed a ten month treatment program with the State court (see Exhibit B, attached) and has remained drug free (with the exception of medical marijuana) for over a year;
5. USPO Storm said that he understood all Ms. Falk said, but until he heard it from the Court, he was required to put Mr. Young in an additional drug treatment program, which involves a full additional year of active treatment;
6. Ms. Falk called Mr. Owens, AUSA on Mr. Young's case, to determine Mr. Owens'

1 position on the Judgment and Commitment. At that time, Mr. Owens confirmed that
2 his intention with respect to the Plea Agreement was that Mr. Young had already
3 completed a treatment program, and the government was only concerned that Mr.
4 Young remain drug-free. He concurred with Ms. Falk that he interpreted the Court's
5 order and requiring testing and Mr. Young's continued participation in 12-step
6 meetings, but further drug treatment, inpatient or outpatient, should be left to the
7 discretion of the Probation Officer if Mr. Young relapses or otherwise seems to be
8 having problems with drugs or alcohol.

9 7. Mr. Storm now requests this Court's order regarding the parties interpretation of the
10 Judgment and Commitment;

11 8. Specifically, the parties request this Court to order the following interpretation of the
12 Judgment and Commitment Order:

- 13 1. Mr. Young is to refrain from use of all drugs, including medical marijuana;
- 14 2. Mr. Young is to participate in a program of drug testing, as directed by
15 Probation;
- 16 3. Mr. Young is to continue to attend 12-step meetings;
- 17 4. The Probation Office is required to continue to assess Mr. Young's compliance
18 with a drug-free lifestyle, and to arrange for outpatient treatment if Mr. Young
19 relapses or otherwise is out of compliance with his Court-ordered conditions;
- 20 5. The Judgment and Commitment Order does not require the Probation Office to
21 place Mr. Young in an outpatient drug treatment program at this time, provided
22 that Mr. Young continues to drug test, attend 12 step meetings, and continues to
23 cooperate fully with the Probation Department and maintains a drug-free
24 lifestyle.

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DATED: 8/18/2006

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

DATED: 8/18/2006

/S/
DEREK OWENS
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this e-filed document.

GOOD CAUSE SHOWN, it is hereby ORDERED that the aforementioned stipulation reflects
this Court’s order with respect to the Judgment and Commitment on Ivan Young.

September 19, 2006

